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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,616	07/10/2003	William Luther Haggard JR.	56196.C1 / 44890	3358
408	7590	03/09/2004	EXAMINER	
LUEDEKA, NEELY & GRAHAM, P.C.			DAVIS, CASSANDRA HOPE	
P O BOX 1871			ART UNIT	
KNOXVILLE, TN 37901			PAPER NUMBER	

3611

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/616,616	Applicant(s) HAGGARD, WILLIAM LUTHER	
	Examiner Cassandra Davis	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the preliminary amendment filed July 10, 2003.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legler, U. S. Patent 2,243,912 in view of Orlando, U. S. Patent 3,148,856. Legler teaches a display stand comprising a frame member 11 and 13, a sign or banner member 18 supported by the frame member, and a mounting means for mounting the first member onto a surface. The mounting means has a suction cup 10 with a bore (not labeled) adapted to receive the head of a screw or bolt 12. The distal end of the threaded shaft portion of the bolt is secured to the lower end of the frame member 11. Legler does not teach the connector having internal and external threads and the frame being plastic.

3. Raphael et al. teaches a plastic suction cup 28 connected to a post 26. The connection assembly comprises a suction cup 28, a screw 35 extending through the top portion of the suction cup, a first leg member/connector has internal threads adapted to receive the threaded shank of the screw and external threads 27 adapted to be received in a second leg member/connector. It would have been obvious to one having ordinary

skill in the art at the time this invention was made to construct the connection assembly of the suction cup taught by Legler with the connector with internal and external threads as taught by Raphael et al. provide a means extend the length or the vertical height of the frame member.

4. Since the applicant does not disclose that constructing the frame member of plastic material solves any stated problem or is for any particular purpose, it appears that construct the frame member of any suitable material as taught by Legler would perform equally well is supporting the display.

5. With respect to claim 2, the examiner takes Official Notice that signs made of cloth-type material is old and well known in the art and would have been obvious to one having ordinary skill in the art at the time this invention was made to provide a means to allow the flag to blow in the wind.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Legler in view of Raphael et al. and Rabkin, U. S. Patent 5,502,909. Rabkin teaches a banner having a support assembly on each side of the banner. It would have been obvious to one having ordinary skill in the art the time this invention was made to construct the display taught by Legler and Raphael et al. with a support assembly on both side of the sign to provide a means to hold the flag in an extended orientation and taunt.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 4, and 4 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cassandra Davis
Primary Examiner
Art Unit 3611

CD
March 5, 2004